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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN  
14 FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

15 Plaintiffs,

**JOINT STATUS REPORT  
AND STIPULATION TO STAY  
PROCEEDINGS; AND ~~[PROPOSED]~~  
ORDER**

16 v.

17 U.S. DEPARTMENT OF HOMELAND  
18 SECURITY, et al.,

Defendants.  
19 \_\_\_\_\_/

20  
21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April  
23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive  
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the  
25 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that  
26 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or  
27 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule  
28 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect

1 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,  
2 EOIR, and ICE. Most recently, on August 27, 2010, the Court approved the parties' stipulations  
3 (a) to further stay proceedings through and including November 30, 2010, and (b) to submit a joint  
4 report advising the Court on the status of negotiations and processing, and/or a stipulation proposing  
5 a schedule to govern further proceedings, no later than November 30, 2010; and

6 2. EOIR has provided Plaintiffs with a letter describing the scope of its search and a  
7 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
8 have stipulated that they do not contest either the adequacy of the search performed by EOIR, or  
9 the propriety of the withholdings made by EOIR; and

10 3. ICE has provided Plaintiffs with a letter describing the scope of its search and a  
11 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
12 have stipulated that they do not contest either the adequacy of the search performed by ICE, or  
13 the propriety of the withholdings made by ICE; and

14 4. CBP has provided Plaintiffs with a letter describing the scope of its search and a  
15 preliminary, partial Vaughn index explaining the bases for its withholdings; Plaintiffs have  
16 responded with several objections and/or requests for clarification; and the parties have continued  
17 to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are  
18 not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings;  
19 however, further negotiation may eliminate the need for judicial resolution of these issues. The  
20 parties have agreed to confer again by December 15, 2010, to discuss these issues; and

21 WHEREAS it would minimize litigation costs and conserve judicial resources to stay  
22 further proceedings in this case to permit the above-mentioned negotiations to continue, and to  
23 permit the parties to confer further as described above;

24 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
25 undersigned counsel, subject to the approval of the Court, that:

- 26 1. Further proceedings in this case are stayed for a period of approximately 2 months  
27 through and including January 31, 2011, and  
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2. No later than January 31, 2011, the parties shall submit a joint report advising the Court on the status of the above-mentioned negotiations and/or a stipulation proposing a schedule to govern further proceedings.

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1 Dated: November 30, 2010

2 Respectfully submitted,

3 /s/ Jayashri Srikantiah  
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**SIGNATURE ATTESTATION**

In accordance with General Order 45(X), I hereby attest that I have obtained Jayashri Srikantiah's concurrence in the filing of this document.

/s/ Eric B. Beckenhauer  
ERIC B. BECKENHAUER

**[PROPOSED] ORDER**

Pursuant to stipulation, **IT IS SO ORDERED.**

Dated: 1/7/11

  
RICHARD SEEBORG  
United States District Judge